

Appl. No. 10/016,411
Amdt. Dated September 22, 2003
Reply to Office Action of June 23, 2003

• • R E M A R K S / A R G U M E N T S • •

The Official Action of June 23, 2003 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment claims 1, 2, 5 and 6 have been changed, as discussed below, to address and correct matters raised by the Examiner under 35 U.S.C. §112, second paragraph.

Also by the present amendment, independent claim 1 has been changed to recite that longitudinally opposite end regions of the liquid-pervious topsheet and skin-facing sheet are substantially coextensive in a transverse direction, and that a longitudinal central portion of the skin-facing sheet has a width that is smaller than a width of an underlying central portion of the liquid-pervious topsheet.

Support for this limitation can be readily found in the drawings, particularly Figs. 4 and 8.

Entry of the changes to the claims is respectfully requested.

On page 2 of the Official Action the Examiner has objected to the drawings under 37 CFR §1.83(a). Under this objection the Examiner has stated that "the liquid-impervious skin-facing sheet attached to said skin-facing side must be shown of the feature(s) canceled from the claim(s)."

As noted above, independent claim 1 has been changed to recite that the topsheet defines a skin-facing side and that the skin-facing sheet is attached to the skin-facing side of the topsheet.

Appl. No. 10/016,411
Amdt. Dated September 22, 2003
Reply to Office Action of June 23, 2003

This structure is shown in Figs. 1, 3-6, 8 and 9.

Accordingly, the object to the drawings under 37 CFR §1.83(a) is believed to be moot.

Claims 1-7 stand rejected under 35 U.S.C. §112, second paragraph.

Under this rejection the Examiner raised the following 6 points:

First, the Examiner indicated that it was unclear if the curving sides of the skin-facing sheet created or caused the opening in the middle region.

This indefiniteness is believed to have been addressed and overcome by reciting "at least one opening formed in said longitudinally middle region" in a separate subparagraph in claim 1.

The Examiner indicated that the phrase "a tensile stress of said skin-facing sheet is higher than a tensile stress..." was indefinite due to an inadvertent typographical error in which the word "than" was spelled "that." This typographical error has been corrected above.

The Examiner stated that the apparent comparison between tensile stress and weight basis in claim 2 was indefinite. In response to this basis for rejecting the claims as being indefinite, the term "basis weight" has been changed to "tensile stress" at the end of claim 2.

With regard to claim 5 the Examiner stated that the limitation "the leak-barrier sheet" lacked antecedent basis. In response to this basis for rejecting the claims as being indefinite, the term "the leak-barrier sheet" has been changed to "each of the leak-barrier sheets."

With regard to claim 6 the Examiner stated that the phrase "said skin-facing side of the undergarment" lacked antecedent basis in the claims. In response to this basis for rejecting the

Appl. No. 10/016,411
Amdt. Dated September 22, 2003
Reply to Office Action of June 23, 2003

claims as being indefinite, claim 1 been amended to recite that the topsheet defines a skin-facing side and claim 6 has been changed to recite "said skin-facing side of said liquid-previous topsheet."

Finally with regard to claim 6 the Examiner stated that the phrase "said leak-barrier sheets are attached under tension....to....said undergarment" was indefinite. In response to this basis for rejecting the claims as being indefinite, the phrase "said skin-facing sheet and said leak-barrier sheets are attached under tension in said longitudinal direction to said skin-facing side of said undergarment" has been changed to "said skin-facing sheet and said leak-barrier sheets are attached under tension in said longitudinal direction to said skin-facing side of said liquid-previous topsheet."

The changes to the claims are believed to address and overcome each of the basis upon which the Examiner rejected the claims under 35 U.S.C. §112, second paragraph.

Claims 1-7 are pending in this application.

Claim 1 stands rejected under 35 U.S.C. §102(e) as being anticipated by pending U.S. Patent Application No. 2001/0023342 to Suekane.

Claims 1-7 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,527,756 to Mishima et al.

For the reasons set forth below, it is submitted that all of the pending claims are allowable over the prior art or record and therefore, each of the outstanding rejections of the claims should properly be withdrawn.

Favorable reconsideration by the Examiner is earnestly solicited.

Appl. No. 10/016,411
Amdt. Dated September 22, 2003
Reply to Office Action of June 23, 2003

By the present amendment, independent claim 1 has been changed to recite that longitudinally opposite end regions of the liquid-pervious topsheet and skin-facing sheet are substantially coextensive in a transverse direction, and that a longitudinal central portion of the skin-facing sheet has a width that is smaller than a width of an underlying central portion of the liquid-pervious topsheet.

Neither Suekane nor Mishima et al. teach this particular structure.

In Suekane the cover sheet 200 and topsheet 2 appear to have coextensive widths along the entire length of the diaper. Accordingly the central portion of the cover sheet does not have a width that is smaller than a corresponding width of the topsheet.

In Mishima et al. the topsheet 7 (actually "third liquid-barrier wall") does not have longitudinal ends that are coextensive in the transverse direction with topsheet 2.

Accordingly, neither Suekane nor Mishima et al. anticipate applicants' claimed invention.

It is noted that the Examiner have relied upon the adhesive of Suekane as increasing the basis weight around the leg openings and Mishima et al. as disclosing the topsheet being folded back on top of itself around the leg openings and around the opening in the middle.

Suekane does not teach that "a basis weight of said skin-facing sheet" is higher around the leg openings as the Examiner states. The adhesive relied upon by the Examiner secures bonds the cover sheet to the topsheet. In applicants' invention the side edges of the skin-facing sheet are free from the underlying topsheet except at the longitudinal ends of the diaper.

Appl. No. 10/016,411
Amdt. Dated September 22, 2003
Reply to Office Action of June 23, 2003

According to applicants' invention as discussed at page 12, by providing the skin-facing sheet with edges having a higher weight basis and tensile stress, the skin-facing sheet can press tightly against a wear's thighs. Suekane does not teach this structure or this function and merely uses the adhesive to join the cover sheet to the topsheet.

The topsheet 7 of Mishima et al. does not form leg openings as the Examiner contends. Moreover, the liquid-barrier walls of Mishima et al. include elastic members.

Based upon the above distinctions between the prior art relied upon by the Examiner and the present invention, and the overall teachings of prior art, properly considered as a whole, it is respectfully submitted that the Examiner cannot rely upon the prior art as required under 35 U.S.C. §102 as anticipating applicants' claimed invention.

It is, therefore, submitted that any reliance upon prior art would be improper inasmuch as the prior art does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of the prior art and the outstanding rejections of the claims should hence be withdrawn.

Therefore, reconsideration and withdrawal of the outstanding rejections of the claims and an early allowance of the claims is believed to be in order.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

RECEIVED
CENTRAL FAX CENTER

SEP 22 2003

OFFICIAL

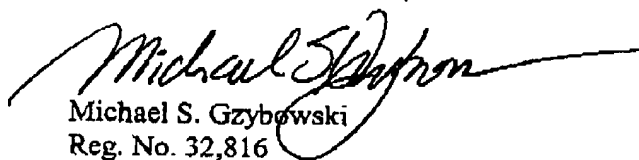
Appl. No. 10/016,411
Amdt. Dated September 22, 2003
Reply to Office Action of June 23, 2003

The prior art made of record on page 5 of the Official Action but not relied upon by the Examiner has been noted. This prior art is not believed to be particularly pertinent to applicants' claimed invention.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved; the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



Michael S. Gzybowski
Reg. No. 32,816

BUTZEL LONG
350 South Main Street
Suite 300
Ann Arbor, Michigan 48104
(734) 995-3110

100850.1